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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

KENNETH DEAN BARKSDALE,

Defendant and Appellant.

E065843

(Super.Ct.No. SWF1400382)

OPINION

APPEAL from the Superior Court of Riverside County. John M. Monterosso,
Judge. Affirmed.

Patricia L. Brisbois, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

A jury found defendant and appellant guilty of three counts of residential burglary
(Pen. Code, § 459; counts 1-3).¹ The jury also found true that in the commission of

¹ All future statutory references are to the Penal Code unless otherwise stated.

count 3, another person, other than an accomplice, was present in the residence within the meaning of section 667.5, subdivision (c)(21). In a bifurcated proceeding, the trial court found true that defendant had suffered four prior prison terms (§ 667.5, subd. (b)), three prior serious felony convictions (§ 667, subd. (a)), and 19 prior felony strike convictions (§§ 667, subds. (c) & (e)(2)(A), 1170.12, subd. (c)(2)(A)). After the trial court denied defendant's motion to strike his prior strike convictions, defendant was sentenced to a total indeterminate term of 75 years to life, plus a determinate term of 48 years.²

Defendant appeals from the judgment. We find no error and affirm the judgment.

I

FACTUAL BACKGROUND

A. *Count 1 - Burglary at Normandy Court Location*

On July 15, 2013, Carla Golden and her daughter left their home on Normandy Court in San Jacinto around noon and returned at 1:30 p.m. When they returned, Golden parked in the garage and remained there talking on her phone while her daughter went inside the house. Her daughter came back to the garage and reported that a man was in their backyard. Golden walked out to the backyard and saw that the screen from the kitchen window had been removed. Golden called 911. As she walked back to the front of the house, Golden saw an unfamiliar man walking away from the house and out of the cul-de-sac.

² The trial court struck one of the prior prison terms because it was related to one of the serious prior felony convictions.

While on the phone with the 911 dispatcher, Golden followed the man. During the call, Golden described the person as a Black male, about 5 feet 7 to 8 inches tall, weighing about 180 pounds, wearing a blue shirt and talking on a cell phone.³ Deputy Myling Bordeaux detained defendant in response to Golden's 911 call and took him in a patrol car to Golden's residence for an in-field identification to see if Golden could identify him. Golden recognized the man as the person she had seen. Golden, however, did not see the suspect's face and stayed about a half block away from him when she followed him. A search of defendant revealed, among other things, a screwdriver, a Lion King watch, a bell, and a yellow medallion.

Nothing had been disturbed in Golden's kitchen, but a couple of months later Golden realized some of the collectibles she kept stored in her garage were missing. Golden then wrote a letter to the sheriff's department inquiring about these items. The police later returned these items to her. The items included a Lion King watch, a Brighton bell, and a Juicy Couture necklace.

B. *Count 2 – Burglary at Barito Street Location*

On July 29, 2013, Vicki Schock went to her neighbor Deborah Raichle's home to feed Raichle's cats. When she arrived, she noted the house was in disarray, so Schock called 911. After the deputy arrived, the deputy and Schock walked through the house and saw a broken window in the family room and glass everywhere.

³ The recording of the 911 call was played for the jury at the time of trial.

Surveillance videos of the home's exterior showed that on July 28, 2013, a man walked up and down the street knocking on doors eventually coming to Raichle's front door at around noon. The man could later be seen going around to the side gate and climbing over it to enter the backyard.

Bradley Riesland, a crime analyst with the Riverside County Sheriff's Department, used the surveillance images to create a flyer in order to try to identify the suspect. Deputy Marc Searl saw the flyer and recognized the person as defendant. A month or two earlier, Deputy Searl had been in contact with defendant and spoke with him face to face for about 15 to 30 minutes. The parties stipulated defendant had been released from custody on July 17, 2013, after his arrest on July 15, 2013.

C. *Count 3 – Burglary at Dogwood Street Location*

On the afternoon of January 10, 2014, Angelina Reese was home with her children on Dogwood Street in San Jacinto when someone knocked at her door and rang the doorbell. Reese told her kids to be quiet and that the person would go away. She could hear a man outside the door say hello, that he was a neighbor and had a package that had been erroneously delivered to his house. At some point after hearing a noise, Reese went downstairs and saw a man she identified in court as defendant in her laundry room holding barbecue tools. Defendant backed out of the house and Reese called 911.

In the 911 call, Reese described the person she had seen as a Black male in his 40's, medium build, wearing a white shirt, black tie and black pants. She said the man was running towards Main Street, and she also saw a taller Hispanic male, but was not

sure the men were together. Reese later discovered a window had been broken in the garage.

Deputy Richard Vryheid responded to the area and detained defendant about one-half mile from Reese's home on Dogwood Street. Defendant was carrying a dress shirt and tie in his hand and was sweating profusely, as if he had been running. Detective Jess Vasquez responded to Reese's home and observed the broken window in the garage and utensils that were left behind a gate in the backyard. Deputy Vasquez also observed a shoe print under the broken window that was consistent with the shoes defendant was wearing at the time of his arrest. Defendant gave deputies the wrong name, but the deputies later identified defendant from his fingerprints. Reese subsequently identified defendant in an in-field lineup.

II

DISCUSSION

Defendant appealed from the judgment, and we appointed counsel to represent him on appeal. After examination of the record, counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, and he has not done so.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

III

DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

MILLER

J.

SLOUGH

J.